

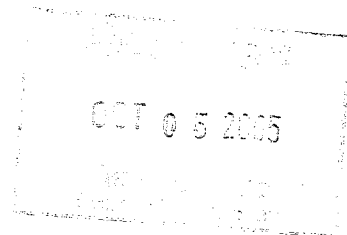
BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter

of

LORIE A. BRINKMAN, R.Ph.
License # 1-11787

File No. 04-60



FINAL ORDER REVOKING LICENSE

Now on this 20th day of September 2005, the above-referenced matter comes before the Kansas Board of Pharmacy, assisted by Camille Nohe, Assistant Attorney General and General Counsel to the Board, on the Petition to Revoke, Suspend or Otherwise Limit Licensure filed herein. Randall J. Forbes of Frieden, Haynes & Forbes appears as disciplinary counsel for the Board. Respondent Lorie A. Brinkman appears in person.

After hearing the evidence and the statements of the participants, the Board makes the following findings of fact, conclusions of law and orders:

Procedural History

On October 22, 2004, Respondent entered a Consent Agreement by which she was to immediately cease practicing pharmacy in Kansas.

On December 7, 2004, the Board issued an Order for Mental, and If Warranted, Physical Examination by which as soon as feasible Respondent was to submit to a mental examination by one or more mental health professionals selected by Mary Carder, Heart of America Professional Network, and to submit to a drug screen if directed by Ms. Carder.

On June 29, 2005, the Board issued an Emergency Agency Order by which Respondent's license to practice pharmacy was suspended until further order of the Board.

On July 22, 2005, the Board denied Respondent's application for renewal of her license to practice pharmacy.

On July 25, 2005, a Petition to Revoke, Suspend or Otherwise Limit Licensure was filed by the Board's disciplinary counsel.

On August 9, 2005, a Notice of Hearing was issued to Respondent.

Findings of Fact

1. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*, including conducting hearings and proceedings to revoke, suspend, limit or otherwise discipline a Kansas license to practice pharmacy.

2. In October 2004, Board Investigator LaTonya Rice was conducting a routine inspection of a pharmacy in Independence Kansas when Respondent, who was working in the pharmacy as a pharmacist, requested to speak with the Inspector. During that conversation, Respondent stated to the Inspector: "I have been using crack, cocaine, meth, speed and other illegal drugs; you can take me out in handcuffs or do whatever the Board needs to." The Inspector called the District Manager for the pharmacy and Respondent again indicated to the District Manager that she had used illegal drugs. Later, Respondent recanted her statements regarding taking illegal drugs, indicating her comments of drug use were just a "game."

3. Respondent has made bizarre comments to former employer Alan DeFever, including that she believes people are watching her from the ceiling.

4. In various discussions with Board representatives and other individuals, Respondent has had difficulty communicating and apparent difficulty comprehending.

5. On November 30, 2004, the Board entered an Order requiring Respondent to submit to one or more mental examinations by one or more mental health professionals selected by Mary Carder of the Heart of America Professional Network. The Order also required Respondent to make the results of those examinations available to the Board, which has not occurred.

6. Mary Carder testified that in phone conversations, Respondent's communications were stilted, her thought processes were disjointed, she had difficulty making complete sentences and was reluctant to talk.

7. Sometime after the Board's Emergency Order issued, Ms. Carder received an initial evaluation on Respondent from 4-County Mental Health Center which recommended psychiatric treatment and therapy. Respondent has not followed those recommendations.

8. Respondent eventually met with a psychiatrist, Dr. Reddy, who also recommended treatment and medications. Respondent has not followed those recommendations

9. In Ms. Carder's opinion, unless Respondent obtains treatment and possibly medications, Respondent's mental condition will negatively affect her functioning as a pharmacist.

10. The Board's Executive Director, Debra Billingsley, has received information

from three pharmacists that Respondent had applied for a pharmacist position.

11. Respondent testified that she did say to the Board's inspector that she used illegal drugs, but that was part of a game which was hard to understand - an Army/Navy game is what she's heard - and one of the conditions of the game to get out of the game was to confess to a government official. Respondent, nevertheless, does not feel she needs mental treatment.

Conclusions of Law

1. Respondent has engaged in a pattern of behavior that demonstrates a manifest incapacity and incompetence to practice pharmacy rendering her license subject to discipline pursuant to K.S.A 65-1627 (a)(3) as defined by K.S.A 65-1626 (ee)(3).

2. The Respondent is mentally incapacitated to such a degree as to render her unfit to practice the profession of pharmacy and render her license subject to discipline pursuant to K.S.A. 65-1627 (a)(7).

3. The Respondent has failed to comply with the Board's order regarding mental examinations rendering her license subject to discipline pursuant to K.S.A. 65-1627 (a)(15).

ORDER

IT IS THEREFORE ORDERED, based upon the foregoing findings and conclusions:

1. Respondent's license to practice pharmacy which was not renewed is hereby

reinstated but only for the purpose of the license being hereby revoked.

2. Reinstatement of Respondent's licensed will not be considered by the Board until Respondent provides verification of psychiatric or psychological treatment and a recommendation by the treating psychiatrist or psychologist that Respondent is able to practice safely and competently.

IT IS SO ORDERED.

Merlin McFarland
President
Kansas Board of Pharmacy

Notice of Relief from this Final Order

This is a Final Order. It is effective upon the date indicated in the below Certificate of Service unless a stay is granted pursuant to K.S.A. 77-528. Within 15 days after service of the Final Order, any party may file a petition for reconsideration with the Real Estate Appraisal Board. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. Judicial review may be had by filing a petition for judicial review with the appropriate district court as provided in the Kansas Act for Judicial Review, K.S.A. 77-601 et seq. The agency officer who may receive service of a petition for judicial review on behalf of the agency is Debra Billingsley, Executive Director, Kansas Board of Pharmacy, 900 S.W. Jackson Street, Room 513, Topeka, KS 66612-1231.

Certificate of Service

I hereby certify that I did, on the 5 day of ~~September~~^{October}, 2005, deposit in the United States mail, postage prepaid, a copy of the foregoing FINAL AGENCY ORDER OF REVOCATION, properly addressed to the following:

Lori A. Brinkman, R.Ph.
704 W. 10th
Coffeyville, KS 67337

and

Randall J. Forbes
Frieden, Haynes & Forbes
555 S Kansas Ave, Ste. 303
Topeka, KS 6661

Debra Billingsley
Executive Director
Kansas State Board of Pharmacy